

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOHN THOMAS GIBLIN III,

Defendant.

CR 17-12-M-DLC-1

ORDER

United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendation in this matter on August 10, 2017. Neither party objected and therefore they are not entitled to *de novo* review of the record. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). This Court will review the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Judge Lynch recommended this Court accept John Thomas Giblin III’s guilty plea after Giblin appeared before him pursuant to Federal Rule of Criminal Procedure 11, and entered a plea of guilty to one count of wire fraud in violation

of 18 U.S.C. § 1343 (Count 7) and one count of aggravated identity theft in violation of 18 U.S.C. § 1028A(a)(1) (Count 17), as set forth in the Indictment. In exchange for Defendant's plea, the United States has agreed to dismiss Counts 1, 3, 4, 8, 13, 14, and 18 of the Indictment.

I find no clear error in Judge Lynch's Findings and Recommendation (Doc. 98), and I adopt them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS ORDERED that John Thomas Giblin III's motion to change plea (Doc. 73) is GRANTED and John Thomas Giblin III is adjudged guilty as charged in Counts 7 and 17 of the Indictment.

DATED this 25<sup>th</sup> day of August, 2017.



Dana L. Christensen, Chief District Judge  
United States District Court